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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 MUHAMMAD YOUNAS MALIK,

No. C 07-4113 MMC

11 Plaintiff,

**ORDER TO SHOW CAUSE; DIRECTING
SERVICE**

12 v.

13 MICHAEL CHERTOFF, et al.,

14 Defendants.
15 _____/

16 On November 16, 2007, plaintiff failed to appear as ordered at the scheduled Case
17 Management Conference.

18 The Court also notes that plaintiff has failed to provide proof that he has properly
19 served any defendant with a copy of the summons and complaint. This action was filed on
20 August 9, 1007. Pursuant to Rule 4 of the Federal Rules of Civil Procedure, plaintiff is
21 required to serve defendant no later than December 7, 2007. See Fed. R. Civ. P. 4(m)
22 (requiring service within 120 days of filing complaint).

23 Accordingly, the Court rules as follows:

24 1. Plaintiff shall show cause in writing, filed no later than December 7, 2007, why
25 this action should not be dismissed for his failure to appear at the Case Management
26 Conference.

27 2. Plaintiff shall serve each defendant with the summons and a copy of the
28 complaint and shall file proof of such service no later than December 7, 2007.

3. If plaintiff fails to show cause as ordered, the action will be dismissed without prejudice pursuant to Rule 41(b) for failure to prosecute; if, as to any defendant, plaintiff fails to provide proof of service as ordered, the action will be dismissed without prejudice pursuant to Rule 4(m) as to such defendant.

Dated: November 19, 2007